

[1st March 1927]

* The hon. Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR :—" I have no objection to the names suggested, viz., Dr. Mallayya, Mr. A. Kaleswara Rao, Mr. Syed Ibrahim Sahib and Mr. V. I. Muniswami Pillai."

* Diwan Bahadur M. KRISHNAN NAYAR :—" If my hon. Friend does not think that the number is too many, on behalf of my party may I request him to include the name of Mr. Durai Raja also in the list ? "

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p.m.

* The hon. the PRESIDENT :—" The hon. Member may withdraw the names already mentioned and give a final list of members of the Select Committee."

* The hon. Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR :—" This will be the final list. The Select Committee will be composed of the following hon. Members :—

Mr. Abbas Ali Khan,
Mr. C. B. Cotterell,
Mrs. S. Muthulakshmi Reddi,
The Raja of Ramnad,
Mr. J. A. Saldanha,
Mr. Sami Venkatachalam Chetti,
Diwan Bahadur M. Krishnan Nayar,
Lt.-Col. A. J. H. Russell,

Mr. H. Hawley,
Dr. B. S. Mallayya,
Mr. A. Kaleswara Rao,
Mr. D. K. Syed Ibrahim Sahib,
Mr. S. Dorai Raja,
Mr. V. I. Muniswami Pillai and
The hon. Minister for Public Health."

The motion that the Bill be referred to a Select Committee consisting of the members referred to above was put to the House and adopted.

* The hon. the PRESIDENT :—" Under Standing Order No. 40 (3), I appoint Dr. Muthulakshmi Reddi as the Chairman of the Committee."

XII
THE MADRAS HIGH COURT (JURISDICTIONAL LIMITS) BILL
(BILL No. 3 OF 1927).

The hon. Sir C. P. RAMASWAMI AYYAR :—" Mr. President, Sir, this Bill is also a formal one which has to be enacted in consequence of the increase in the territorial limits of the Corporation of Madras on account of the new development schemes in Mambalam and certain other areas which have been included in the jurisdiction of the Corporation of Madras. Under the Letters Patent, the High Court shall have original civil jurisdiction within such limits as may be declared by any law made by the Governor in Council. The Letters Patent and the proclamation issued in connexion with the jurisdiction fixed a certain area for the jurisdiction of the High Court and that area is now sought to be extended. I therefore move that the Madras High Court (Jurisdictional Limits) Bill be read in Council."

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" I second it."

* Diwan Bahadur M. KRISHNAN NAYAR :—" Sir, I wish to get some information from the hon. the Law Member. I do not want to oppose the measure ; I only wish to clear some doubts regarding the Bill. The effect of the Bill will be to extend the territorial jurisdiction of the High Court over certain areas and as a consequence, the jurisdiction of the corresponding civil courts in the Chingleput district will be removed. There are some privileges and restrictions with regard to the appearance of pleaders in these courts and the High Court. For instance, the conditions that ought to be fulfilled before a pleader appears in the Original Side of the High Court are not always the same as those for appearing in the mufassal courts. I want to know how this Bill will affect the appearance of pleaders in these courts."

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[Mr. M. Krishnan Nayar]

“Secondly, there was a practice in the days when I was an apprentice—I do not know what the practice at present is—by which on payment of a court fee of Rs. 30 one can claim any amount or property in the Original Side of the High Court. In the mufuassal courts the court fee is regulated according to the value of the amount or property claimed. I wish to know again whether any interference will be made with the existing practice with regard to court-fees which would act prejudicially on the litigants of the area now proposed to be included in the jurisdiction of the High Court. These are some of the questions that suggest themselves to me and I wish to know what the effect of the Bill will be on these points. I have not exhaustively referred to all the difficulties; I have only given a few illustrations of the difficulties that might arise.”

The hon. Sir C. P. RAMASWAMI AYYAR :—“Under section 62 of the Government of India Act the Governor of Madras in Council may, with the approval of the Secretary of State in Council and by notification, extend the limits of the town of Madras; and any Act of Parliament, Letters Patent, Charter, law or usage conferring jurisdiction, power or authority within the limits of the town shall have effect within the limits as so extended. The administrative limits of Madras has been extended to include Mambalam and a few other places. Under the Letters Patent and the proclamation issued when the Letters Patent was passed the jurisdiction of the High Court inures there also. It is clear anyhow that the jurisdiction of the Chingleput court does not exist over that area under the combined operation of the Civil Courts Act and section 62 of the Government of India Act. There is also a doubt whether any court can exercise jurisdiction in that area. That is the reason why it has become necessary to bring this Bill.

“Apart from that, one of the points raised by the hon. Member from Malabar was with reference to the appearance of practitioners in the courts. The hon. Member is aware that there is no distinction of grades with regard to the appearance of pleaders in the Original Side of the High Court. I am not referring to the Insolvency Court. Such differences as there were have been abolished recently. There is a distinction made with reference to the appearance of first and second grade pleaders in the High Court. That question may arise. That is to say, with reference to any dispute that may arise in the village of Mambalam and the other outlying parts which are now added to the town, whereas first and second grade pleaders can appear in the court of Chingleput, they cannot do so now in the High Court. The insolvency jurisdiction is separate.

“As regards court-fees, the thirty rupees court-fees has been abolished and a different system of court-fees is now in vogue. But it is not as heavy as in the mufassal, though much heavier than before.”

* Mr. S. SATYAMURTI :—“Rupees 150.”

The hon. Sir C. P. RAMASWAMI AYYAR :—“Rupees 150 in the High Court; but it is much less in the City Civil Court. There is no question of an increase or decrease so far as the smaller litigation is concerned. With regard to the bigger litigation in the High Court also, there is no other inconvenience. In order to assimilate the administrative jurisdiction which has been extended to Mambalam with the judicial jurisdiction this Bill is introduced.”

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The question that the Bill be read in Council was put to the House and adopted.

The Secretary read the title of the Bill.

The hon. Sir C. P. RAMASWAMI AYYAR :—" Sir, I request you to suspend the operation of Standing Order 39."

The hon. the PRESIDENT :—" I suspend the operation of the Standing Order."

The hon. Sir C. P. RAMASWAMI AYYAR :—" Sir, I move that clause 1 do stand part of the Bill."

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" I second it."

The motion was put and carried and clause 1 was made part of the Bill.

The hon. Sir C. P. RAMASWAMI AYYAR :—" Sir, I move that the schedule do stand part of the Bill."

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" I second it."

The motion was put and carried and the schedule was made part of the Bill.

The hon. Sir C. P. RAMASWAMI AYYAR :—" I move that the preamble do stand part of the Bill."

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" I second it."

The motion was put and carried and the preamble was made part of the Bill.

The hon. Sir C. P. RAMASWAMI AYYAR :—" I move that the Bill be passed into law."

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" I second it."

The motion was put and carried and the Bill was passed into law.

XIII

A BILL TO REPEAL THE MADRAS PLANTERS LABOUR ACT, 1903 (BILL No. 7 OF 1927).

* The hon. Khan Bahadur MUHAMMAD USMAN SAHIB Bahadur :—" Sir, His Excellency the Governor in his opening address to the Legislative Council said that the Madras Government have decided to repeal the Planters Labour Act subject to the consent of the Government of India. The consent of the Government of India having been obtained, it is now my duty to introduce this Bill. It has been found that modern public opinion regards with disapproval the existence of such penal laws. Even in the colonies where Indian labour is employed there are no such provisions. Further, the Government of India repealed the Workmen's Breach of Contract Act last year. On account of this we find that we are unable to justify the retention of the Madras Planters Labour Act on the Statute Book which gives statutory control over labour only in two districts. For these reasons we thought that the best thing was to repeal the Act. Originally we